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Attorneys for Third-Party Defendant
eGym, Inc.

[Counsel for Brunswick Corporation On
Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

NEXTPULSE LLC, a Delaware Limited
Liability Corporation, successor to
NETPULSE, INC., a Delaware Corporation,

Plaintiff,

v.

BRUNSWICK CORPORATION, a Delaware
Corporation, and DOES 1-25, inclusive,

Defendant.

AND RELATED CROSS-ACTIONS

Case No. 4:22-cv-04071-HSG

**STIPULATION AND ORDER
EXTENDING EGYM, INC'S TIME
TO RESPOND TO FOURTH
AMENDED CROSS-COMPLAINT**

Judge: Hon. Haywood S. Gilliam, Jr.

1 Pursuant to Federal Rule of Civil Procedure 6 and Local Rule 6-2, Third-Party Defendant
2 eGym, Inc. and Third-Party Plaintiff Brunswick Corporation stipulate to an extension of time for
3 eGym to respond to the Fourth Amended Cross-Complaint (or a “third-party complaint” per the
4 nomenclature in Federal Rule of Civil Procedure 14) (the “FACC”) and respectfully request an
5 order granting the same.

6 WHEREAS, the Parties previously stipulated and this Court ordered that eGym’s response
7 to the FACC is due on or before September 19, 2022;

8 WHEREAS, eGym desires to have briefing related to its response to the FACC completed
9 and heard by this Court shortly after Nextpulse’s Motion to Remand (ECF No. 20) is heard; and

10 WHEREAS, Brunswick does not object to eGym’s request;

11 NOW, THEREFORE, eGym and Brunswick stipulate as follows:

12 1. eGym shall file its response to the FACC on or before October 14, 2022.
13 Brunswick’s opposition shall be due November 11, 2022. eGym shall have until November 23,
14 2022, to file a reply. eGym shall notice the motion hearing with sufficient time for briefing to be
15 completed at least 14 days prior to the hearing.

16 IT IS SO STIPULATED.
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1 Dated: September 14, 2022

Respectfully submitted,

2 CATHERINE Y. LUI
3 NATHAN SHAFFER
4 Orrick, Herrington & Sutcliffe LLP

5 By: /s/ Catherine Y. Lui
6 CATHERINE Y. LUI
7 Attorneys for Third-Party Defendant
8 eGym, Inc.

9 Dated: September 14, 2022


Respectfully submitted,

10 PATRICIA L. PEDEN
11 KRISTIN E. CHARBONNIER
12 Burke, Williams & Sorenson LLP

13 By: /s/ Patricia L. Peden
14 PATRICIA L. PEDEN
15 Attorneys for Crossclaim Plaintiff
16 Brunswick Corporation

17 **Pursuant to stipulation, IT IS SO ORDERED.**

18 Dated: 9/15/2022

19 
20 Hon. Haywood S. Gilliam, Jr.
21 UNITED STATES DISTRICT JUDGE
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L.R. 5-1 SIGNATURE ATTESTATION

As the ECF user whose user ID and password are utilized in the filing of this document, I attest that concurrence in the filing of the document has been obtained from each of the other signatories.

/s/ Catherine Y. Lui

Catherine Y. Lui

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7 Attorneys for Third-Party Defendant
eGym, Inc.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
11

12 NEXTPULSE LLC, a Delaware Limited
Liability Corporation, successor to
13 NETPULSE, INC., a Delaware Corporation,

14 Plaintiff,

15 v.

16 BRUNSWICK CORPORATION, a Delaware
Corporation, and DOES 1-25, inclusive,

17 Defendant.
18

19 AND RELATED CROSS-ACTIONS
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Case No. 4:22-cv-04071-HSG

LUI DECLARATION

Judge: Hon. Haywood S. Gilliam, Jr.

1 I, Catherine Y. Lui, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and the United
3 States District Court for the Northern District of California, and counsel of record for eGym, Inc.
4 (“eGym”). I am familiar with the events, pleadings, and discovery in this action, and if called as
5 a witness I could and would testify competently to the matters stated herein of my own personal
6 knowledge. I submit this declaration in support of eGym and Brunswick Corporation’s
7 (“Brunswick”, together with eGym the “Parties”) stipulation and request to extend eGym’s time
8 to respond to the Fourth Amended Cross-Complaint (“FACC”).

9 2. This action was pending in the Superior Court located in the City and County of San
10 Francisco until it was removed on July 12, 2022. The Superior Court previously granted a stipulated
11 request for eGym to respond to the FACC on or before September 19, 2022, because the Parties
12 were and continue to be engaged in productive settlement discussions. After removal, Federal Rule
13 of Civil Procedure 81(c)(3)(C) made eGym’s response due on July 19, 2022. Upon stipulation by
14 the Parties, this Court issued an order resetting eGym’s deadline to respond to September 19, 2022.
15 Plaintiff Nextpulse filed a motion to remand on August 4, 2022, which is set for hearing on
16 December 15, 2022.

17 3. After meeting and conferring in good faith, the Parties agreed that the hearing on
18 any motion eGym may file in response to the FACC should be heard after the pending motion to
19 remand. The Parties agreed to reset the deadline for: 1) eGym to file a response to the FACC to
20 October 14, 2022; 2) Brunswick to file an opposition to eGym’s response to November 11, 2022;
21 and, 3) eGym to file a reply to Brunswick’s opposition to eGym’s response to November 23, 2022.
22 Further, the Parties agreed that eGym shall notice the motion hearing with sufficient time for briefing
23 to be completed at least 14 days prior to the hearing.

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